

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Dept.- Land acquisition- Hyderabad District- Payment of compensation for the extent of 625 Sq.yards acquired for road widening and gardening at K.B.R Park, to deposit the amount with concerned Revenue Authorities as per the Hon'ble High Court orders - Sanction accorded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (ROADS- III) DEPARTMENT
G.O.Rt.No. 775

Dated:13.08.2013

Read:

1. From the District Collector, Hyderabad D.O Lr.No. E/1207/ 2010,
Dt:21.05.2013 and 11.06.2013
2. From ENC (R&B) SR, Hyd., Lr.No:4970/EE(T)/DEE7/AE-1/2009,
Dt:29 -05-2013 and 06.06.2013.

O R D E R:

In the letters 2nd read above, the Engineer-in-Chief (R&B) State Roads, Hyd., has stated that the Executive Engineer(R&B) City Roads Division, Hyderabad vide letter dt. 20-05-2013 has submitted the detailed report on CC No. 78 of 2011 in W.P No. 16285 of 2005 filed by Nawab Mir Barkat Ali Bahadur @ Price Mukharam Jah Bahadur HEH the Nizam- VII of Hyderabad represented by Mr. Mir Hasan Ali regarding the payment of Compensation for the extent of 625 Sq yards properties/lands acquired for road widening and gardening purposes at KBR park in Hyderabad is as follows:

- a) The (R&B) Department has taken up the works of (1) construction of new compound wall around K.B.R National park by dismantling the previous existing wall by leaving peripheral area for road widening and (2) widening of the road around K.B.R National park.
- b) Sri Mir Nawab Barkat Ali Khan Bahadur, prince Mukaram Jah Bahadur, HEH the Nizam VIII of Hyderabad filed another W.P.No.16285/2005 in the Hon'ble High Court for initiating L.A proceedings for other two bits also i.e., admeasuring 275.00 Sq. yards and 350.00 Sq.Yards (625.00 Sq. yards) since same were also affected road widening but not acquired legally by the (R&B) Department. He has filed W.P.M.P.No.20703.2005 and the Hon'ble High Court in its order Dt.26.07.2005 gave interim directions to consider his request for initiating land acquisition proceedings with regard to 625.00 Sq. yards. In accordance with the direction of Hon'ble High Court, L.A proposal were sent by the Executive Engineer (R&B) City Roads Division to the District Collector, Hyderabad vide letter No.DB/D1/CRD/2009-10, Dt.13.12.2009.The Spl. Dy.Collector, L.A., GHMC has not initiated any L.A proceedings on the grounds that the land belongs to the Government.
- c) Meanwhile, Sri Mir Barkat Ali Khan filed C.C.No.78/2011 in WP No.16285/2005 and the Hon'ble High Court in its order dt.02.04.2013 issued direction for payment of compensation as expeditiously as possible at any rate not later than two months i.e., by 02.06.2013. The Spl. Dy. Collector, LA, GHMC has issued notice under section 9 (i) and 10 of L.A Act of 1894 for acquisition of land to an extent of 625.00 Sq.Yards. The Hyderabad Dist. Collector in his letter No. E/1207/2010/327, dt.23.04.2013 informed the Government that tentative compensation amount for 625.00 Sq. Yards is worked out to Rs.5,20,10,342/- (excluding 9% interest on land value from the date of notification to date of passing award) and requested the Government to deposit Rs.4,25,00,000 towards compensation.
- d) Executive Engineer(R&B) City Roads Division, Hyderabad requested funds from the Govt. TR&B Department along with necessary grant and L.O.C for Rs.4,25,00,000 (Rupees Four Crores twenty five lakhs only).

(P.T.O)

2). The ENC (R&B) SR, Hyderabad has requested the Government to accord necessary sanction for Rs.4,25,00,000 (Rupees four Crores twenty five lakhs only) to deposit the amount with concerned Revenue authorities as per the orders of Hon'ble High Court under the Head of Account 5054-Capital outlay on Roads and Bridges 04-District and other Roads MH 800-Other Expenditure - GH11-Normal State Plan SH (07)-Other Roads 530/532 lands (Charged).

3). In the letter 1st read above, the District Collector has stated that as per records available in the SDC-LA, GHMC office and as per the award enquiry no rival claim has been filed in this regard and requested the Government to consider releasing the amount at earliest.

4). Government, after careful examination of the proposal of the ENC (R&B) SR, Hyd., and District Collector, Hyderabad hereby accord sanction for an amount of Rs. 4,25,00,000 (Rupees four Crores and twenty five lakhs only) towards payment of compensation for the extent of 625 Sq.yards acquired for road widening and gardening at K.B.R Park, to deposit the amount with concerned Revenue Authorities as per the Hon'ble High Court orders, subject to the following conditions:

- i) this particular land was actually acquired for the road widening and gardening.
- ii) there is no legal dispute in respect of title of the owner of that land including that of the Government.
- iii) to examine the permissibility under LA Act arriving at the compensation amount based on the rate prevailing at the time of actual taking over the land and applying interest rate applicable as this method would be advantageous to the Government.

5) The amount sanctioned in Para (4) above shall be debited to the Head of Account "5054-Capital outlay on roads and Bridges-04- District and other roads -M.H.800-other expenditure -GH (11)-Normal state plan -SH(07)-other Roads-530/532 Lands (charged)" and shall initially be met by way of an advance from the Contingency fund of Andhra Pradesh for which orders will be issued by the Finance (BG-1) Department, separately

6) The E-in-C (R&B) State Roads, Hyderabad shall draw and disburse the amount sanctioned in Para (4) above and take necessary action accordingly.

7) The E-in-C (R&B) State Roads, Hyderabad, shall send necessary proposals to Govt. during the current financial year 2013-14 at appropriate time for obtaining supplementary grant to recoup the advance sanctioned from the Contingency fund.

8) This order issues with the concurrence of Finance (Expr. PW.II) Deptt., vide their U.O.No.16530/601/Exp.PW.II/2013, Dt 26.06.2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAMBOB
PRINCIPAL SECRETARY TO GOVERNMENT

To
The E-in-C (R&B), State Roads, Hyderabad.
Copy to:
The District Collector, Hyderabad.
The Prl. Accountant General, Hyderabad.
The Finance (Expr. PW) Dept/ Finance (BG I) Dept.
The DTA, A.P., Hyderabad.
The PAO (works) Hyderabad
The PS to Secy.to CM.,
The P.S. to Minister (R&B).
The P.S. to Prl. Secy., R&B Dept.
SF/Sc.

// FORWARDED:: BY ORDER //

SECTION OFFICER